

United States District Court
Southern District of Texas
FILED

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
BROWNSVILLE DIVISION**

FEB 11 2015

David J. Bradley, Clerk of Court

Clerk of Court: 600 E. Harrison St. #101 Brownsville, TX 78520 (956)548-2500

STATE OF TEXAS, et al .

Plaintiffs,

v.

Case No. 1:14-cv-00254-ASH

UNITED STATES OF AMERICA, et al.

Defendants

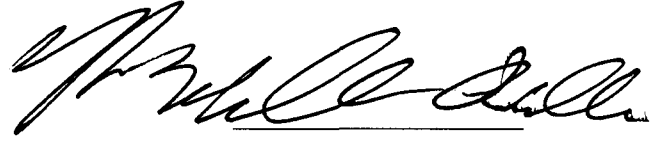
MOTION for Leave to File in support of plaintiffs as an Amicus in a related and already docketed (doc # 108) case “Arpaio v Obama” USCA-DCC 14-cv-5325 and related case USCA-DCC 14-cv-5327 “Strunk et al. v US Department of State et al.

“NOTICE OF MOTION TO SEAL AND ...” in this court as a related multi-state unconstitutional executive amnesty litigation matter “State of Texas et al. v United States of America et al.” 14-cv-254-ASH USDC-TXSD.

01/20/2015	<u>108</u>	MOTION for Leave to File Amicus Brief in Support of Plaintiffs' Motion for Preliminary Injunction by Joe Arpaio as Sheriff of Maricopa County by Joe Arpaio, filed. Motion Docket Date 2/10/2015. (Attachments: # <u>1</u> Proposed Order, # <u>2</u> Amicus Brief in Support of Plaintiffs' Motion for Preliminary Injunction by Joe Arpaio as Sheriff of Maricopa County)(jtabares, 1) (Entered: 01/20/2015)
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**Filed by Harold William Van Allen pro se non-attorney
Plaintiff/Appellant United States Court of Appeals for the
District of Columbia Circuit 14-cv-5327 and United States
District Court for the District of Columbia District 14-cv-
995-RJL**

2/8/2015



H. William Van Allen

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Certificate of electronic service this date Sunday, February 8, 2015 upon.:

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**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

-----x Case No.: 14-cv-00995 (RJL)

CHRISTOPHER EARL STRUNK
593 Vanderbilt Avenue PMB 281 NYC, NY 11238
845-901-6767 chris@strunk.ws,
and **H. WILLIAM VAN ALLEN**
351 North Road Hurley NY 12443
845-389-4366 hvanallen@hvc.rr.com

Plaintiffs,

v.

U.S. DEPARTMENT OF STATE (DOS) by
JOHN F. KERRY (SOS) at 2201 C Street NW
Washington, DC 20520 TTY:1-800-877-8339
CENTRAL INTELLIGENCE AGENCY
by **JOHN O. BRENNAN, DCI**
Washington, D.C. 20505 fax: (571) 204-3800
BARACK HUSSEIN OBAMA II
1600 Pennsylvania Ave. NW Washington DC 20500
U.S. COPYRIGHT OFFICE
101 Independence Avenue SE
Washington, DC 20559-6000 (202) 707-3000
and **THE NEW YORK STATE BOARD**
OF ELECTIONS and its agents at
40 North Pearl Street, Suite 5
Albany, NY 12207-2729 Fax (518) 486-4068

Defendants.

ERIC HOLDER, US ATTORNEY GENERAL
950 Pennsylvania Ave NW Washington DC 20530

-----x

NOTICE OF MOTION

TO SEAL AND

[REDACTED]

[REDACTED]

PLEASE TAKE NOTICE that upon the annexed affidavit of Christopher-Earl: Strunk affirmed November 8, 2014 with exhibits will move with Fed Rules of Civil Procedure and Local Rules to Seal the Case and [REDACTED] until further notice as supplement to the Motion Reargue the Order to Dismiss entered June 16, 2014 in order to Supplement the Complaint filed 10 June 2014 with Fed. R. Civ. P. Rule 15(a)(1)(A), and Rule 19(a)(1)(A)(B), heard before the Honorable Richard J. Leon USDJ at the

designated Courtroom in the Courthouse at 333 Constitution Avenue NW Washington DC
20001, before the 24th day of November 2014, at a time designated by the Court or as soon
thereafter as counsel can be heard.

Dated: Brooklyn, New York
November 8th, 2014

/s/

Christopher-Earl: Strunk in esse Sui juris
secured beneficiary agent of the Debtor Trust
transmitting utility TMCHRISTOPHER EARL
STRUNK Plaintiff, the Executor and Settlor
for the Express Deed In Trust To The United
States Of America, located at
593 Vanderbilt Avenue – PMB 281
Brooklyn, New York Zipcode excepted 11238
Cell: 845-901-6767 Email: chris@strunk.ws

SERVICE LIST:

**PERSONAL & CONFIDENTIAL FOR RECIPIENT EYES ONLY with COURTESY COPY
REDACTED MOTION WITHOUT EXHIBITS TO RECIPIENT:**

US Attorney for
Washington District of Columbia
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Washington DC 20530

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c/o CHRISTOPHER EARL STRUNK
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Brooklyn, New York

JOSHUA PEPPER, AAG for
Eric Schneiderman, Attorney General for
The State of New York
120 Broadway 25th Floor
New York, New York 10271

The Honorable David I. Schmidt J.S.C.
New York Supreme Court for the County of Kings
Part 47 Courtroom 541
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Brooklyn, New York 11201

H. William Van Allen
351 North Road
Hurley, New York 12443

The Honorable Ron Johnson
United States Senator from the State of Wisconsin
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Washington, DC 20510

MICHAEL SHRIMPTON
8 Jusons Glebe,
Wendover, United Kingdom HP22 6PF

The Honorable Jeff Sessions
United States Senator from the State of Alabama
326 Russell Senate Office Building
Washington, DC 20510

Harold Van Allen

From: Harold Van Allen <hvanallen@hvc.rr.com>
Sent: Thursday, February 5, 2015 9:40 PM
To: Larry Klayman Esq (leklayman@gmail.com); Larry Klayman Esq (leklayman@yahoo.com); craig. lawrence (craig.lawrence@usdoj.gov); Christopher Earl Strunk (CEStrunck@yahoo.com)
Subject: <https://www.scribd.com/doc/254873203/USCA-DCC-14-5327-Motion-for-Judicial-Notice-of-USCA-DCC-14-5325-as-Related-Case-Arpaio-v-Obama-Appellant-Brief-and-Appendix-I-II>

<https://www.scribd.com/doc/254873203/USCA-DCC-14-5327-Motion-for-Judicial-Notice-of-USCA-DCC-14-5325-as-Related-Case-Arpaio-v-Obama-Appellant-Brief-and-Appendix-I-II>

From: Harold Van Allen [mailto:hvanallen@hvc.rr.com]
Sent: Thursday, February 5, 2015 9:04 PM
To: Larry Klayman Esq (leklayman@gmail.com); Larry Klayman Esq (leklayman@yahoo.com); craig. lawrence (craig.lawrence@usdoj.gov); Christopher Earl Strunk (CEStrunck@yahoo.com)
Subject: RE: Emailing: USCA-DCC 14-5327 Motion for Judicial Notice of USCA-DCC 14-5325 as Related Case Arpaio v Obama Appellant Brief and Appendix I II

General Docket
United States Court of Appeals for District of Columbia Circuit

Court of Appeals Docket #: 14-5327 Nature of Suit: 2890 Other Statutory Actions Christopher Strunk, et al v. DOS, et al Appeal From: United States District Court for the District of Columbia Fee Status: IFP Pending USDC	Docketed: 12/29/2014
Case Type Information: 1) Civil US 2) United States 3)	
Originating Court Information: District: 0090-1 : <u>1:14-cv-00995-RJL</u> Trial Judge: Richard J. Leon, U.S. District Judge Date Filed: 06/10/2014 Date Order/Judgment: 11/10/2014 Date NOA Filed: 12/10/2014	
Lead: <u>1:14-cv-00995-RJL</u>	
Prior Cases: None	
Current Cases: None	
Panel Assignment: Not available	

Christopher Earl Strunk
Plaintiff - Appellant

Christopher Earl Strunk
Direct: 845-901-6767
[NTC Pro Se]
Firm: 212-307-4444
593 Vanderbilt Avenue
#281
Brooklyn, NY 11238

Harold W. Van Allen
Plaintiff - Appellant

Harold W. Van Allen
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Email: hvanallen@hvc.rr.com
[NTC Pro Se]
Firm: 845-389-4366
351 North Road
Hurley, NY 12443

v.

United States Department of State
Defendant - Appellee

R. Craig Lawrence
Email: craig.lawrence@usdoj.gov
[LD NTC Gvt Atty USAO/AUSA]
U.S. Attorney's Office
(USA) Civil Division
Firm: 202-252-2500
555 4th Street, NW
Washington, DC 20530

Central Intelligence Agency
Defendant - Appellee

R. Craig Lawrence
[LD NTC Gvt Atty USAO/AUSA]
(see above)

Barack Hussein Obama
Defendant - Appellee

R. Craig Lawrence
[LD NTC Gvt Atty USAO/AUSA]
(see above)

US Copyright Office
Defendant - Appellee

R. Craig Lawrence
[LD NTC Gvt Atty USAO/AUSA]
(see above)

Eric H. Holder, Jr., US Attorney General
Defendant - Appellee

R. Craig Lawrence
[LD Gvt Atty USAO/AUSA]
(see above)

New York State Board of Elections
Defendant - Appellee

Christopher Earl Strunk; Harold W. Van Allen,
Plaintiffs - Appellants

v.

United States Department of State; Central Intelligence Agency; Barack Hussein Obama; US Copyright Office; Eric H. Holder, Jr., US Attorney General; New York State Board of Elections,

Defendants - Appellees

12/29/2014		US CIVIL CASE docketed. [14-5327]
12/29/2014	17 pg, 1.65 MB	NOTICE OF APPEAL filed [1529431] by Christopher Earl Strunk and Harold W. Van Allen seeking review of a decision by the U.S. District Court in 1:14-cv-00995-RJL. Assigned USCA Case Number [14-5327]
12/29/2014	8 pg, 625.47 KB	CLERK'S ORDER filed [1529434] directing party to file motion to proceed on appeal in forma pauperis or payment of docketing fee. APPELLANT payment of docketing fee or motion to proceed IFP in district court due 01/28/2015, Failure to respond shall result in dismissal of the case for lack of prosecution; The Clerk is directed to mail this order to appellant by certified mail, return receipt requested and by 1st class mail. [14-5327]
12/29/2014		FIRST CLASS MAIL SENT [1529441] of order [1529434-2] to both appellants [14-5327]
12/29/2014		CERTIFIED MAIL SENT [1529442] with return receipt requested [Receipt No.7007 0710 0004 7190 2782 for Strunk, and 7007 0710 0004 7190 2799 for Van Allen] of order [1529434-2]. Certified Mail Receipt due 01/28/2015 from Christopher Earl Strunk and Harold W. Van Allen. [14-5327]
01/08/2015		CERTIFIED MAIL RECEIPT [1531377] RECEIVED from Rob Wharf for order [1529442-2] sent to Appellant Christopher Earl Strunk [14-5327]
01/08/2015		CERTIFIED MAIL RECEIPT [1531425] RECEIVED from Harold Van Allen [signed for on 01/05/2015] for order [1529442-2] sent to Appellant Harold W. Van Allen [14-5327]
01/23/2015	20 pg, 1.19 MB	MOTION filed [1534672] by Harold W. Van Allen leave to proceed ifp in the district court [Service Date: 01/28/2015] Pages: 1-10. [14-5327]
01/23/2015	19 pg, 1.18 MB	MOTION filed [1534674] by Harold W. Van Allen for judicial notice. [Service Date: 01/28/2015] Pages: 1-10. [14-5327]
01/28/2015	1 pg, 39.51 KB	CLERK'S ORDER filed [1534679] referring motion ifp in district court [1534672-2] to the district court for consideration., holding case in abeyance. Case 14-5327 held in abeyance pending IFP decision in 1:14cv995-RJL from U.S. District Court; The Clerk is directed to transmit a copy of this order and the original motion to the district court. [14-5327]
01/30/2015	4 pg, 38.34 KB	NOTICE [1535125] filed from Clerk, District Court leave to proceed ifp in the district court is granted for Harold W. Van Allen [Case Number 14-5327: IFP] [14-5327]
01/30/2015	9 pg, 870.7 KB	MOTION filed [1535393] by Christopher Earl Strunk leave to proceed ifp in the district court [Service Date: 01/26/2015] Pages: 1-10. [14-5327]
02/02/2015	1 pg, 39.04 KB	CLERK'S ORDER filed [1535394] referring appellant Strunk's motion ifp in district court [1535393-2] to the district court for consideration. Case 14-5327 held in abeyance pending decision in 1:14cv995-RJL from U.S. District Court; The Clerk is directed to transmit a copy of this order and the original motion to the district court. [14-5327]
02/04/2015	78 pg, 1.92 MB	MOTION filed [1536137] by Harold W. Van Allen for judicial notice. (Response to Motion served by mail due on 02/20/2015) [Service Date: 02/05/2015 by Clerk] Pages: 1-10. [14-5327]
02/04/2015		MOTION filed [1536139] by Harold W. Van Allen for judicial notice.[Electronic Version Unavailable, Original Paper Document in File] (Response to Motion served by mail due on 02/20/2015) [Service Date: 02/05/2015 by Clerk] Pages: 1-10. [14-5327]

-----Original Message-----

From: Harold Van Allen [mailto:hvanallen@hvc.rr.com]

Sent: Thursday, February 5, 2015 9:02 PM

To: Larry Klayman Esq (leklayman@gmail.com); Larry Klayman Esq (leklayman@yahoo.com); craig. lawrence (craig.lawrence@usdoj.gov); Christopher Earl Strunk (CEStrunck@yahoo.com)

Subject: Emailing: USCA-DCC 14-5327 Motion for Judicial Notice of USCA-DCC 14-5325 as Related Case Arpaio v Obama Appellant Brief and Appendix I II

Your message is ready to be sent with the following file or link attachments:

USCA-DCC 14-5327 Motion for Judicial Notice of USCA-DCC 14-5325 as Related Case Arpaio v Obama Appellant Brief and Appendix I II

Note: To protect against computer viruses, e-mail programs may prevent sending or receiving certain types of file attachments. Check your e-mail security settings to determine how attachments are handled.

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
BROWNSVILLE DIVISION

United States District Court
Southern District of Texas
FILED

JAN 20 2015

David J. Draney, Clerk of Court

STATE OF TEXAS, *et al.*

Plaintiffs,

v.

Case No. 1:14-cv-254

UNITED STATES OF AMERICA, *et al.*

Defendants

MOTION FOR LEAVE OF COURT TO FILE
AMICUS BRIEF IN SUPPORT OF PLAINTIFFS' MOTION FOR PRELIMINARY
INJUNCTION BY JOE ARPAIO AS SHERIFF OF MARICOPA COUNTY

Movant Joe Arpaio, elected Sheriff of Maricopa County, Arizona, ("Sheriff Arpaio") respectfully requests leave to participate as an *amicus curiae* and to file a brief in support of the Plaintiffs' Motion for Preliminary Injunction and causes of action for judgment. The proposed brief is submitted with this motion. Counsel for proposed *amicus curiae* requested counsel for Plaintiffs and Defendants to consent to this motion via e-mail sent on January 13, 2015. Defendants take no position on this motion, while Plaintiffs have not responded.

I. INTEREST OF AMICUS CURIAE AND REASONS FOR BRIEF

The Defendants have presented as their Exhibit #1 the memorandum opinion and decision in Sheriff Arpaio's similar lawsuit. Because the Defendants' Opposition relies significantly upon the decision of Judge Beryl A. Howell in Washington, D.C. in Sheriff Arpaio's case there, this Court now would lack a proper and full briefing of the issues without learning of the position of the Plaintiffs in that case. The citations of the Defendants to Sheriff

Arpaio's case would not provide a balanced or complete perspective.

Defendants here extensively cite to and rely upon a similar lawsuit filed by Sheriff Arpaio and a decision rendered in that court case – although that decision is on appeal in the U.S. Court of Appeals for the District of Columbia Circuit. (“DC Circuit”). Because Defendants here cite from that precedent to support Defendants’ Opposition to Plaintiffs’ Motion for Preliminary Injunction in this case, the relevance and importance of his knowledge and involvement in this issue is conceded.

Sheriff Arpaio sued in the United States District Court for the District of Columbia (“DC District Court”), Civil Action No. 1:14-cv-01966, President Barack Obama (“President Obama”); Secretary of Homeland Security Jeh Johnson; and Director of the U.S. Citizenship and Immigration Service (“USCIS”) Leon Rodriguez to challenge the Defendants’ executive action amnesty for illegal aliens.

Arpaio v. Obama necessarily – by the Defendants’ timetable, not Sheriff Arpaio’s nor the Plaintiffs’ actions – has been rushed through briefing and a hearing on an accelerated basis without discovery or development of facts relating to questions such as standing.

Therefore, it would be especially helpful for this Court to understand both points of view on citations here to *Arpaio v. Obama*. Sheriff Arpaio and counsel always expected the issues to be decided mainly on appeal, not in the D.C. District Court.

In sum, the importance of *Arpaio v. Obama*, which Defendants raised, makes it compelling for this Court to consider the fatally flawed nature of the D.C. District Court’s order. This amicus brief is being filed now in part because the decision in *Arpaio v. Obama* did not come until December 23, 2014 and Defendants then cited to it significantly in this case here.

Furthermore, the State of Arizona is one of the Plaintiffs in this case. *Amicus Curiae* Sheriff Arpaio is the elected Sheriff of Maricopa County, Arizona, one of the largest Sheriff's offices in the United States. Maricopa County is the most populated County in the State of Arizona with 4,009,412 citizens.¹ The County holds more than sixty percent (60%) of all of the population of entire State of Arizona. Sheriff Arpaio's Office effectively is nearly all of the State of Arizona in terms of law enforcement. Maricopa County is the fourth most populated County in the United States by most reports. If Maricopa County by itself were a State, the County would be larger by population than twenty-four (24)² of the States within the United States of America and larger than Puerto Rico and more than five times larger than the entire District of Columbia.

Sheriff Arpaio suffers direct economic harm from the Defendants' executive action amnesty for illegal aliens (citizens belonging to a foreign country). On June 15, 2012, Defendants launched their DACA program. As a result, from February 1, 2014, through December 17, 2014, the financial harm from illegal aliens to the Office of the Sheriff of Maricopa County, Arizona was at least \$9,293,619.96 consisting of the costs of holding illegal aliens in the Sheriff's jails, for those inmates flagged with INS "detainers." These costs of jail confinement are but one financial impact, easily quantified.

¹ "State & County Quick Facts," Maricopa County, Arizona, U.S. Census Bureau, <http://quickfacts.census.gov/qfd/states/04/04013.html>

² "State Population by Rank, 2013", InfoPlease, <http://www.infoplease.com/us/states/population-by-rank.html>

II. PROPOSED AMICUS CURIAE'S BRIEF WILL BE USEFUL TO THE COURT

In his accompanying brief, proposed *Amicus Curiae* supplements Plaintiffs' Motion for Preliminary Injunction by drawing on his unique knowledge and experiences with litigation of these issues and with local law enforcement practices and effective policing.

Sheriff Joe Arpaio of Maricopa, Arizona, hereby respectfully requests leave of court in the Court's discretion to file an *Amicus Curiae* brief in support of the Plaintiffs' Motion for Preliminary Injunction.

Unique among all other parties in the nation and involving first-hand knowledge exclusively available to Sheriff Arpaio and his legal team alone, the *Amicus Curiae* can inform and advise the Court in detail where exactly the Defendants' arguments miss the mark as to what is actually at stake in the issues to be decided by this Court.

Having litigated on this same issue against the Defendants with the same Defendants' counsel, *Amicus Curiae* Sheriff Arpaio can ensure that the Court is properly informed on the key issues that may very well be pivotal to the Court's decision and the ultimate resolution on appeal to the U.S. Supreme Court.

A constitutional republic that is governed by laws rather than men and the rule of law even apart from any immigration issues is of supreme importance to the nation and its continued existence as the most successful democracy (constitutional republic) in human history, *Amicus Curiae's* counsel argued in the D.C. District Court on December 23, 2014, that this is not primarily a case about immigration about following the rule of law and U.S. Constitution.


III. CONCLUSION

Proposed *amicus curiae* respectfully requests that this Court grant this motion, allow him to participate as *amici curiae*, and accept for filing the brief submitted with this motion.

Dated: January 16, 2015

Respectfully submitted,

Larry Klayman, Esq.
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Freedom Watch, Inc.
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Of Counsel
(*Pro Hac Vice Application Pending*)




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Attorney for Plaintiff
Pro Hac Vice Approved

CERTIFICATE OF SERVICE

I hereby certify that service of the foregoing motion and proposed brief will be delivered electronically on January 16, 2015, to counsel for Plaintiffs and Defendants through the District's Electronic Case Filing system.



Jonathon Moseley, Esq.

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